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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

KLAMATH-SISKIYOU WILDLANDS
CENTER, OREGON WILD, CASCADIA
WILDLANDS, and SODA MOUNTAIN
WILDERNESS COUNCIL,

Plaintiffs,

vs.

UNITED STATES BUREAU OF LAND
MANAGEMENT,

Defendant.

Civ. Case No. 1:19-cv-02069-CL

**FIRST DECLARATION OF MELVIN N.
CLEMENTS**

I, MELVIN N. CLEMENTS, declare as follows:

1. I am a current member of the Klamath-Siskiyou Wildlands Center.
2. I am an honorably retired City of Ashland, Oregon, Police Captain. I have photographed and observed great gray owls in Jackson County for the last 5 years. Currently, I consider myself

as an amateur bird photographer concentrating on the great gray owl. Many of my photographs have been taken in the Griffin Half Moon proposed timber sale area.

3. Attached to my declaration as Exhibit A are photographs that I have taken of great gray owls in and adjacent to the Griffin Half Moon planning area. I declare that the photos are true and accurate representations of what I observed on the dates noted in the caption below each image.

4. I use public lands managed by the Ashland Resource Area in the forests near Howard Prairie Lake to look for and photograph the great gray owl. I have also photographed other bird species, bears, deer, a fisher, and a gray wolf in the vicinity of Howard Prairie Lake.

5. Of particular importance to me is the potential loss or degradation of great gray owl habitat near Howard Prairie Lake that is managed by the Bureau of Land Management. My personal observations have shown these owls seek specific areas for nesting. These areas must offer protection for them and yet must be close enough to a meadow site so food can readily be supplied for the nest.

6. I have visited these forests specifically searching for the great gray owl in excess of 609 times over the past 5 years. I also visit the Dead Indian Plateau area for other recreational reasons (i.e. picnics, hiking, snowshoeing and sightseeing). I will absolutely visit this area again, likely in the next few weeks. I will continue to seek out and photograph great gray owls as long as I am physically able to do so.

7. I have been fortunate to have come across several active great gray owl nests. However, I do not give out the location of those nest sites in order to protect the nesting great gray owls. Unfortunately, it has been my sad experience to know two young owlets from different nests that did not survive to “First Year great gray owl” status. I have also found one great gray owl

killed by gunshot, two great gray owls injured (and subsequently euthanized), found and/or know of five great gray owls killed by car strikes, and one great gray owl I believe was killed by a great horned owl.

8. These owls have made a large impact on my life since I photographed my first great gray owl. I do not sell any of my photographs for personal gain. I make an effort to educate others to respect and to use ethical habits when finding the great gray owl.

9. I donate framed and matted photographs of the great gray owl to select deserving non-profits for their fundraising efforts (i.e. Klamath Bird Observatory, Friends of the Ashland Public Library, Southern Oregon Land Conservancy, Rogue Valley Audubon Society, etc.)

10. I have gifted framed and matted photographs to a few select persons who have shown a valid interest in the great gray owls. I maintain a Facebook page to post images of these wonderful owls. Through the internet, my photographs have been sent by friends and family to France, Australia, England, and Germany (that I am aware).

11. I no longer lead or actively participate in great gray owl field trips. The number of personal requests became so great that it limited my time for my photography and observations. I do provide the name of a friend who enjoys offering field trips for great gray owls or other birds.

12. I do share many great gray owl experiences with the general public, friends, family and colleagues. I have made several public and private photo and lecture presentations sponsored by various not-for-profit wildlife groups on the great gray owl. I gave a presentation at the 2018 and 2020 Winter Wings Festival in Klamath Falls. "Winter Wings" is an annual bird festival that draws attendees from across the nation. Several of the photographs that will be used in my presentation were taken of great gray owls in the Griffin Half Moon timber sale area.

13. I have provided, at my expense, photographs to other artists for them to use for their paintings. I spent two days in May of 2017 escorting author/photographer Paul Bannick (THE OWL AND THE WOODPECKER (2008); OWL, A YEAR IN THE LIVES OF NORTH AMERICAN OWLS 2016) in search of the great gray owl near Howard Prairie Lake. I have provided author Harry Fuller (PETER J. THIEMANN AND HARRY FULLER, GREAT GRAY OWLS IN CALIFORNIA OREGON AND WASHINGTON (2015)) photographs of great gray owls for his blog site, and at the request of author/photographer Peter Thiemann, guided Peter to a great gray owl so that he could photograph a great gray owl in a snowy field.

14. I have met people from all over the United States who come to Jackson County to try and spot one of these magnificent owls. In one instance, I spent a day with a gentleman from South America searching for the great gray owl. While we did not have any luck finding a great gray owl, he enjoyed the beauty of the forest that provides great gray owl habitat.

15. People seeing the great gray owl for the first time have a unique range of emotions. In November of 2016, a companion broke down and cried with emotion after a young great gray owl slowly flew between me and her. She was about six feet from me and I had cautioned her not to move as the young great gray slowly and silently passed between us. She told me this was a magical life event that she would always hold dear.

16. In September of 2016, a young man and woman stopped as I was photographing a great gray owl. They exited their vehicle and I motioned them to slowly approach me. The great gray owl relocated to a tree a little farther away. They were able to see their first great gray owl. As we later talked, the man disclosed that he and his girlfriend were both trained biologists who had heard of the great gray owls in our area. They had come down from northern Oregon to try and see their first great gray owl. He had just returned from a deployment to Iraq and had just

finished his time in the Marine Corps. I told him I was a former Marine who served in Vietnam. I showed them a couple of photographs in my camera of the owl they just saw. They asked to purchase one of the photographs. I told them I do not sell any of my photographs, but would send them the one they wanted. They provided me an e-mail address. I escorted them around Howard Prairie Lake, pointing out the great gray owl meadows that are commonly known by the local birders. We parted company and I headed home.

17. Arriving home, I found an e-mail from another couple of visiting biologists asking me to check a lock at a home they had rented. (They were on their way home and could not remember if they locked the gate or not). I drove up the hill, found the gate unlocked and locked it. After that chore was finished, I thought I'd make one final check of the meadow where I had photographed the owl that morning.

18. As I quietly approached the meadow, I saw the first young couple's pickup parked a short distance away. I then spotted the great gray owl and snapped a couple of long-distance photos. As I moved to a better position, I saw the young couple sitting with camera in hand on a blanket a few yards in front of the great gray owl. I quietly backed away and left the area to them. That night I e-mailed the photograph they requested.

19. A few days later I received this e-mail from the young man: *"Mel, what a fantastic picture that is! We will be turning it into a large wall print to frame for our living room. We cannot thank you enough, that is beyond generous. I honestly didn't even hear a vehicle on the road when we were sitting in the meadow with the Great Gray. I think we had extreme tunnel-vision and were lost in such a great moment. That was easily the greatest experience 'my girl' and I have had in the 4+ years we've been together. Not just because of the incredible time with the owl, but because I proposed to 'my girl' in that meadow a few moments before you arrived! I*

don't think I could've pulled that off without your help earlier, so again...many, many, thanks!"

– (for privacy reasons, I replaced the girl's name with 'my girl').

20. In April of 2019, I was fortunate to photograph on two different dates a great gray owl at Vesper Meadow, which is an environmental conservation organization. I immediately e-mailed the images to Vesper Meadow to use as they deemed appropriate. I have participated as a volunteer in their 2019 vesper sparrow count and also assisted in searching for the great gray owl on their property.

21. It is not possible to cover all my experiences with introducing others to the great gray owl. It is not uncommon when I am walking along a road with my camera and tripod for cars to slow down. An occupant will roll down a window and ask if I am Mel Clements. Then they ask where they might see the great gray owl. Nor is it uncommon for a vehicle to follow my vehicle, in hopes of seeing where I photograph the great gray owl. My response is to engage these people in conversation and if they show a valid interest in seeing the great gray owl, I will disclose to them the locations of the "publicly known" owl meadows. "Publicly known owl meadows" are five commonly known meadow locations near Howard Prairie Lake identified in books, newspapers, and readily shown on field trips. Great gray owls are often seen in these five meadows.

22. My preparations for a great gray owl search begin the evening before the actual trip. I check my vehicle and supplies. I then check my camera and all my camera equipment to insure it is clean and all screws are tight. I charge my camera's battery overnight.

23. Weather considerations are made and I ensure that I have the proper clothing and gear with me to photograph great gray owls. It is not unusual to be out in 19-degree weather for extended periods of time photographing these beautiful owls. It is also not unusual to be in the

blazing sun for extended periods of time also having to drop jacket and gloves while photographing or searching.

24. I generally get up about an hour to an hour and a half before sunrise. I do a final check of my camera equipment and vehicle then leave for the great gray owl search.

25. Of course, after a successful great gray owl encounter, there will be anywhere up to four hours of photo processing done on my computer. Every photograph is checked for exposure, sharpness, and composition. It is not unusual to have in excess of 1000 photographs to process.

26. The status of great gray owls is uncertain largely due to the lack of rigorous study that has occurred, but all experts agree that the species is uncommon. Books and research papers written about great gray owls often offer conflicting information on these owls. One reference may indicate the owl is monogamous while another reference claim they are not monogamous. A 2017 Wyoming siting documents that their great gray owls there lose their tail feathers all at once. I have been unable to date to find or photograph our local great gray owls without tail feathers.

27. I've also been told great gray owls do not carry prey in their talons. They carry it in their beaks. Photographs I have taken confirm at least a few great gray owls will carry prey in their talons.

28. When I began my searching for great gray owls, I read and was told these owls leave the high mountain areas and move to lower elevations when the winter snows arrive. If that is so, they move for only a very brief period of time as I have documented great gray owls in the Cascade meadows and woods 23 out of 24 months. (The one month that is missing was the month that I had heart valve repair surgery and was unable to follow our great gray owls, so it is possible the owls were present that month as well.) It has been my experience these owls move

into and required the habitat provided by dense forested areas, where the snow is not as deep as in the meadows. There is also the factor that people searching for the great gray owl are more restricted in their ability to drive the high mountain roads that are often snowed-in or make the effort to snowshoe or ski into the more dense forested areas inaccessible by car.

29. Based on these and similar discrepancies, I conclude that our population of great grays is slightly different in terms of biology and behavior than other populations of great gray owls. I am motivated to learn and document accurate information about great gray owls in the Howard Prairie vicinity. My goal is not to prove or disprove any reported facts, but rather is to learn our great gray owls' actual traits and habits in the wild in this portion of the owl's range.

30. Searching for and photographing the great gray owl is an expensive endeavor. Photography equipment and vehicle use are the major costs in my great gray owl excursions. Aside from my vehicle, the most expensive equipment is my camera gear and tripod. I am on my third camera since photographing my first great gray owl. The camera I am currently using is about \$1300. The lens (used) was \$3500. My tripod was \$500 (used).

31. My vehicle was purchased 4 years ago and had 3,000 miles on it. Now it has nearly 110,000 miles.

32. Gas is a major on-going expense for each trip, My estimated gas expenditures for 2019 great gray owl trips is \$991.85.

33. Costs for a computer, computer projector, screen, television monitor, portable thumb drives, printer, paper, etc. are mandatory for presentations. Occasionally, groups may be able to supply projector and screen, but many times, the presenter must supply their own. These items are costly.

34. Frame, matte, and hanging gear for a donated or gifted photograph is \$52.50.

35. While many of these expenses are ones that I bear in my pursuit of the great gray owl, many birders – such as those I described above – similarly buy some of this equipment for their own use, pumping money into the economy. When they come to southern Oregon to try to spot great gray owls, they spend additional dollars in the local community, whether that is in the form of equipment, gas, lodging, groceries, or other purchases. This may not seem like a lot of money, but it is nonetheless important and significant to the local and regional economy.

36. The loss of people traveling from all over the nation with hopes of seeing one of the great gray owls of Howard Prairie Lake would have an undesirable effect on the local business community.

37. The loss of our local population of great gray owls and their habitat around Howard Prairie would be devastating to those of us who value these owls.

38. The loss of even one of these owls and their habitat would have a devastating impact for me personally. To experience the loss of a larger portion of the local Howard Prairie Lake great gray owls would impact almost every serious birder I know. There is no way to repair this harm once it has occurred, because each of these owls is unique, as is its use of the surrounding forest habitat.

39. I am involved with the great gray owl solely on a personal interest to see them continue to exist in our area. It is my utmost desire to see our Howard Prairie Lake great gray owls prosper and perhaps grow in numbers. We are blessed to have these fantastic owls in the Griffin Half Moon area.

Dated: March 12, 2020.

Respectfully submitted,

/s/ Melvin N. Clements.
Melvin N. Clements

EXHIBIT A



Above photograph was taken on 10/15/19, by Melvin N. Clements, in a BLM meadow along Keno Access Road. This Great Gray Owl is returning to his listening post (top of small tree) after an unsuccessful attempt to catch prey.



Above photograph was taken 12/08/15, by Melvin N. Clements, of a great gray owl on public lands along the Keno Access Road. Great gray owls are dependent on thick forested areas for protection against predators, weather, and for nesting purposes. It is common for the great gray owl to locate against the tree trunk as protection from predators.



Above photograph was taken 07/03/17 by Melvin N. Clements, of a great gray owls on BLM land along the Keno Access Road. Above is a male owl on a snag hunting to sustain a young owlet who has left the nest. (Photographed with a 400mm lens, then cropped in processing).



Above photograph was taken on 07/03/17, by Melvin N. Clements, BLM forested land along the Keno Access Road. This photograph shows the same owl as preceding image taken from my position about 1-2 minutes later. While this photograph shows closely what I am actually seeing, note the dense forest area these owls select to live in. Its owlet was heard calling during both photographs, but I chose not to attempt to search for the owlet. (Photographed with 100mm lens and left uncropped.)



Above photograph was taken on 05/29/17, by Melvin N. Clements, of a great gray owl on BLM forested land along the Keno Access Road. Great gray owl and owlet in a snag nest. The nest is located in a thickly timbered area. The mother owl stays with the owlet until the owlet fledges the nest (about 30 days). The adult male owl provides food to the nest. About two weeks after the young fledges the nest, the mother will leave the area and the male is responsible for feeding and training the young.



Above photograph was taken on 6/24/19 by Melvin N. Clements, on BLM land along Dead Indian Memorial Road. This owlet had fledged the nest about 4 days before this photograph was taken. The owl is in a small open area resting on a small stump about 5 feet tall. A question I am attempting to determine is, “does the young owl explore the area and the adult follows to protect the young owl?” or, “does the adult owl lead the recently fledged owl around to learn the area?”



Above Photograph taken on 09/22/18, by Melvin N. Clements, on BLM land along Keno Access Road. This is a photograph of an adult great gray owl. I was photographing a juvenile great gray owl when the juvenile began calling. Within a few minutes this adult flew into the forest stand to protect the young owl. Once the adult owl determined the safety of the young, the adult left the forest stand and returned to the meadow to hunt. Beyond the adult in this photograph can be seen the open meadow the adult was hunting.



Above photograph was taken on 11/19/18, by Melvin N. Clements, in a BLM meadow along Keno Access Road. This great gray owl is making a landing on a “listening post” in a meadow during its evening hunt. Most great gray owls are photographed or seen in meadows at the outskirts of the forest. Meadows are extremely important for their food source. However, great gray owls spend most of their time in the forest nesting, preening, sleeping, and raising their young.